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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/007,087 | 12/06/2001 | Peter Rastello | TI-32201 | 3193 |
| 23494 | 7590 | 02/18/2005 | EXAMINER | |
| TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265 | | | CORRIELUS, JEAN B | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2637 | |

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/007,087 | RASTELLO ET AL. | |
| | Examiner | Art Unit | |
| | Jean B Corrielus | 2637 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 10 is/are rejected.
- 7) ☐ Claim(s) 2,4,6,8,9 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 2B and 2B, as per page 5, line 11, should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 2, line 4, "can be" needs to be replaced by "is"; claim 4, line 2, "a" should be replaced by "an"; claim 14, line 2, "interleaver" should be deleted so as to be consistent with antecedent in claim 12. Claim 15, line 5, "can be" should be replaced by "is". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Fimoff et al US Patent no. 5,572,532.

Fimoff et al discloses a circuit fig. 11 corresponding to the claimed modulator comprising a memory 70 for storing interleaved data, the memory having a write address port see fig. 11; element (60, 62, 64, 66 and 68) considered as the claimed inverse interleaving address generator coupled to the write address port.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fimoff et al.

As per, claims 3 and 7, as applied to claim 1 above, Fimoff et al discloses every feature of the claimed invention and further teaches the address generator merges read and write functions into one function see abstract. However, Fimoff et al does not teach that the read and write address are IS-95 and IS-2000 compliant. However, implementing a system to be compliant with a standard does not require any inventive step and would have been obvious to one of

ordinary skill in the art so as to provide compatibility with existing or other system(s).

As per claim 5, it would have been obvious to one skill in the art to implement the modulator as a direct sequence spread spectrum modulator so as to provide the system with the added feature of generating signals detectable only to the intended party.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fimoff et al in view of applicant's admitted prior art fig. 1.

As applied to claim 1 above, Fimoff et al discloses every feature of the claimed invention but does not explicitly teach the additional limitations of a channel encoder having an input port for receiving data and a puncturing circuit having an input port coupled to the channel encoder output port, the puncturing circuit having an output port coupled to the data input port of the memory. In the same field of endeavor, applicant's admitted prior art fig 1, teaches a channel encoder having an input port for receiving data and a puncturing circuit having an input port coupled to the channel encoder output port, the puncturing circuit having an output port coupled to the data input port of the memory see fig. 1. Given that fact, it would have been obvious to one skill in the art at the time of the invention to incorporate such a teaching in Fimoff et al in order to format the data signal prior to storing so as to increase the reliability of the modulator.

Allowable Subject Matter

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8. Claims 12-18 are allowed. However, the claims must be amended if necessary, to overcome any objection set forth above.

9. Claims 2, 4, 6, 8, 9, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Corrielus
Primary Examiner
Art Unit 2637
2/17/05